IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

APPEAL NO. 546 OF 2006

IN

CHAMBER SUMMONS NO. 1229 OF 2005

IN

EXECUTION APPLICATION NO. 488 OF 2004

IN

AWARD DATED 26TH JANUARY, 2000.

Mahendra Jayantilal Vora & Ors. ... Appellants.

Versus

Renuka Builders & Developers
Pvt. Ltd. & Others..... ... Respondents.

Mr. S.C.Naidu a/w Ms.Asha Bhuta i/by M/s.Bhuta & Associates for the Appellants.

Mr.M.D.Siodia i/by Ms.D.S.Retiwala
for Respondent No.1.

Mr.P.G.Lad, Assistant Government Pleader,
for Respondent Nos.2 and 3.

CORAM : R. M. LODHA, and
S. A. BOBDE, JJ.

DATED : 29TH NOVEMBER, 2006.

P.C.:

We heard Mr. S.C.Naidu, learned Counsel for the appellants and Mr. M. S. Siodia, learned Counsel

for respondent no.1.

2. In so far as the dismissal of the chamber summons is concerned, the learned Counsel for the appellants could not show us anything that justifies interference in the impugned order. However, learned Counsel for the appellants submitted that by the impugned order the learned Chamber Judge has not only dismissed the chamber summons but also dismissed the execution application. Responding to this, learned Counsel for respondent no.1 submitted that execution application remains pending and it is not correct to say that it has been disposed of by the impugned order.

3. In view of the statement made by the learned Counsel for respondent no.1 that the execution application remains pending and that it is yet to be heard and disposed of, we are satisfied that the impugned order does not call for interference.

4. Appeal is dismissed, accordingly.

Sd/-

(R. M. LODHA, J.)

Sd/-

(S. A. BOBDE, J.)